

REMARKS

Claims 25-47 were examined.

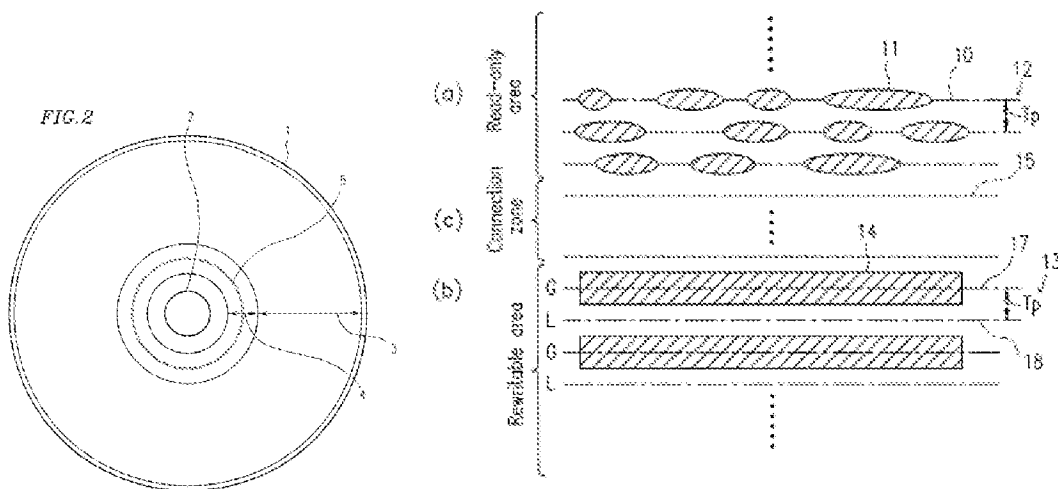
No amendments are being presented in this response.

Claim Rejections - 35 USC § 102

Claims 25-47 stand rejected under 35 U.S.C. 102(b) as being anticipated by Takemura et al., US Patent 6,078,559.

Traverse

The rejection states that "[r]egarding claim 25, Takemura et al. discloses in figure 2 an information recording medium on which record information is recorded by forming a record mark (shown in figure 10), wherein additional information is recorded by changing an average area of the record mark included in each predetermined first cycle, in comparison with a predetermined reference value (column 11, line 48 to column 12, line 2), and the additional information is phase-modulated and recorded (column 1, lines 40-50)".

FIG.10

The rejection states that additional information is recorded by changing an average area of the record mark included in each predetermined first cycle, in comparison with a predetermined reference value, citing to column 11, line 48 through column 12, line 2.

That passage is reproduced below:

For example, the depth of the grooves in the rewritable area is determined to be optically about $\lambda/8$ so as to obtain a large tracking signal. In the read-only area, the depth of the grooves, which corresponds to the depth of the pits, is determined to be optically about $\lambda/4$ so as to obtain a large contrast of reproduction signals. The depth of the pits in the read-only area is therefore larger than that of the grooves in the rewritable area. It is difficult to change the depth of the grooves and the pits between the read-only area and the rewritable area of the same disk. In this example, therefore, the depth of the pits in the read-only area is made substantially the same as the depth of the grooves in the rewritable area.

More specifically, the depth of the pits in the read-only area is made smaller than the depth of the pits in the read-only disk (optically about $\lambda/4$). To compensate for the failure in obtaining a large contrast of the reproduction signals, the length of the shortest pits is made larger than that of the read-only disk. For example, the length of the shortest pits is 0.41 μm which is the same bit length as that used in the rewritable area.

This passage does not disclose 1) a record mark that records record information and further 2) where that record mark

also records additional information, the additional information being recorded by changing the average area of the record mark.

Per claim 25, the present invention is recited as:

"An information recording medium on which record information is recorded by forming a record mark, wherein additional information is recorded by changing an average area of the record mark included in each predetermined first cycle, in comparison with a predetermined reference value,"

Thus, in the present invention, the claim recitation necessarily requires that 1) the record mark for recording record information and 2) the record mark for recording additional information are **the same record mark**. In other words, both recording information and additional information are obtained from the reproduction signal of the **same record mark**.

The above novel technical feature of the present invention is not taught or suggested by Takemura.

Takemura only discloses the optical disk which includes a read-only area and a rewritable area.

Claims 33, 40, 41 and 45-47 have the same technical feature as Claim 25. Claims 26-32 depend on Claim 25. Claims 34-39 depend on Claim 33. Claims 42-44 depend on Claim 41.

The rejection should therefore be withdrawn and the claims allowed.

Should the Examiner not agree with this analysis, it is respectfully requested that the explain clearly identify

disclosure of a record mark where the record mark records record information and the same record mark records additional information, the additional information being recorded by changing an average area of the record mark. In particular, should the Examiner not agree with this analysis, it is respectfully requested that the Examiner identify the additional information being recorded by changing an average area of the record mark.

Summary

The claims are not anticipated or rendered obvious. Reconsideration and allowance of all the claims are respectfully requested.

This response is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits, are earnestly requested. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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